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Paper No. 6

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OFFICE OF PETITIONS

In re Application of
Cole, et al.
Application No. 09/587,446
Filed: June 5, 2000
Attorney Docket No.: 10003006-1

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(a), filed January 22, 2003, to revive the above-identified application. The instant petition shall also be treated as a petition to withdraw the holding of abandonment pursuant to 37 § CFR 1.181(a).

The petition under 37 CFR 1.181(a) is granted.

The petition under 37 CFR 1.137(a) is moot.

TREATMENT UNDER 37 CFR 1.181(a)

This application was held abandoned on August 21, 2002, because no reply was believed to have been received to the non-final Office action mailed May 20, 2002, which set a statutory period for reply of three months from its mailing date. Petitioner was advised of the above-cited application's abandonment by a Notice of Abandonment mailed December 31, 2002.

Petitioner maintains that a reply in the form of an amendment was filed on June 26, 2002, via facsimile. As evidence of the same, petitioner provided a copy of the transmittal showing a certificate of transmission dated June 26, 2002, and a copy of the amendment filed. Based on the facts as stated in the instant petition, and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed; the holding of abandonment is, therefore, withdrawn as of the mailing date of this decision.

TREATMENT UNDER 37 CFR 1.137(a)

As the application has been revived pursuant to 37 CFR 1.181(a), there is no other remedy that could be provided by a petition under 37 CFR 1.137(a). The petition under 37 CFR 1.137(a) is, therefore, moot.

The application is being forward to the Office of Patent Publications for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.



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